

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HERITAGE REALTY MANAGEMENT, INC.,) Docket No. 04-333 ERIE
vs.) (Judge Sean J. McLaughlin)
Plaintiff)
JOHN ALLIN d/b/a ALLIN COMPANIES and SNOW MANAGEMENT GROUP,) ELECTRONICALLY FILED PLEADING
Defendant)
vs.) CONSENT MOTION FOR RESPONSE
John Allin) DATE TO DEFENDANT'S MOTION FOR
Plaintiff) SUMMARY JUDGMENT
vs.)
JOHN ALLIN) Filed on behalf of: Plaintiff, Heritage Realty
Plaintiff) Management, Inc.
vs.)
Defendant) Counsel of record for this party:
vs.)
Defendant) Richard A. Lanzillo, Esq.
vs.) Knox McLaughlin Gornall & Sennett, P.C.
Defendant) 120 West 10th Street
vs.) Erie, PA 16501
Defendant) Telephone (814) 459-2800
vs.) Facsimile (814) 453-4530
Defendant) Email rlanzillo@kmgslaw.com
vs.) PA53811

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HERITAGE REALTY MANAGEMENT,) CASE NO. 04-333 ERIE
INC.,)
)
Plaintiff)
)
vs.)
JOHN ALLIN d/b/a ALLIN COMPANIES) ELECTRONICALLY FILED PLEADING
and SNOW MANAGEMENT GROUP,)
)
Defendants)
)

**CONSENT MOTION TO SET RESPONSE DATE TO
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

AND NOW, comes the Plaintiff, Heritage Realty Management, Inc., ("Heritage"), by and through its counsel, Knox, McLaughlin, Gornall & Sennett, P.C., and files the following Consent Motion for Response Date to Defendant's Motion for Summary Judgment:

1. On February 21, 2006, pursuant to Heritage's Motion to Amend Case Management Order, this Court entered the current Case Management Order that required motions for summary judgment to be filed on or before March 6, 2006.
2. On March 6, 2006, Heritage filed its Motion for Summary Judgment and supporting papers.
3. On March 20, 2006, this Court entered an Order holding this Pretrial Order in abeyance until further notice of court. On April 12, 2006, subsequent to a settlement conference, this Court entered an Order providing the defendants 30 days to respond to Heritage's Motion for Summary Judgment.

4. On May 12, 2006, 30 days after the Court's April 12 order and more than 60 days after Heritage filed its Motion for Summary Judgment, defendants filed responses to that Motion.

5. On March 12, 2006, Defendant John Allin also filed his own Motion for Summary Judgment.

6. This Motion was filed more than 60 days after the deadline for the filing of motions for summary judgment and was filed without leave of Court.

7. Heritage intends to file a response to John Allin's Motion for Summary Judgment.

8. Heritage respectfully requests that this Court enter an Order providing it until June 14, 2006 to file that response.

9. Counsel for John Allin, Symbiot Business Group, Inc. and Symbiot Snow Management Network, LLC, have consented to this Motion.

WHEREFORE, the Plaintiff, Heritage Realty Management, Inc., respectfully requests that this Court enter an Order setting a response date to Defendant John Allin's Motion for Summary Judgment for June 14, 2006.

Respectfully submitted,

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.

BY: /s/ Richard A. Lanzillo, Esq.

Richard A. Lanzillo
Neal R. Devlin
120 West Tenth Street
Erie, PA 16501-1461
(814) 459-2800

Attorneys for plaintiff,
Heritage Realty Management, Inc.